

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION**

Case No. 5:16-CV-155-FL

UBS FINANCIAL SERVICES INC.,

Plaintiff,

v.

ROBERT ZIMMERMAN,

Defendant.

**UBS’S RESPONSE IN  
OPPOSITION TO  
DEFENDANT’S MOTION TO  
STRIKE COMPLAINT AND  
FOR OTHER VARIOUS  
RELIEF**

UBS Financial Services Inc. (“UBS Financial”), with UBS AG (“UBS AG”), UBS Securities LLC (“UBS Securities”) and UBS Group AG (“UBS Group,” and together with UBS Financial, UBS AG, and UBS Securities, “UBS”), by and through the undersigned counsel, hereby respond in opposition to Defendant’s Motion to (1) Strike Complaint and Reconsideration of Order Granting UBS Financial, Inc. a Preliminary Injunction and (2) Strike Motion to Enforce Order to Enforce the Preliminary Injunction and (3) Strike Reply Response in Support of Motion to Enforce Order Granting a Preliminary Injunction. [Docket No. 58 (“Motion to Strike”)].

In his Motion to Strike, Zimmerman attempts to re-litigate prior orders of this Court, including this Court’s June 21, 2016 order enjoining the FINRA arbitration that Zimmerman brought against UBS [Docket No. 32] and July 25, 2016 order denying reconsideration of the Court’s injunction. [Docket No. 42.] Zimmerman relies upon the same arguments that the Court found unavailing when entering and declining to reconsider its June 21, 2016 injunction. For all of the same reasons why the Court previously entered and declined to reconsider its June 21, 2016 Order, it should also deny Zimmerman’s Motion to Strike.

Zimmerman's repeated attempts to re-litigate the Court's orders are a needless drain on the Court's and UBS's time and resources. If Mr. Zimmerman continues to file repetitive motions that are not grounded in law or the rules of civil procedure, UBS will seek appropriate sanctions to deter such future behavior.

This the 9th day of January, 2017.

KATTEN MUCHIN ROSENMAN LLP

/s/ Rebecca K. Lindahl

Rebecca K. Lindahl (NC Bar No. 35378)  
550 South Tryon Street  
Suite 2900  
Charlotte, North Carolina 28202-4213  
Phone: (704) 344-3141  
Fax: (704) 444-2050  
rebecca.lindahl@kattenlaw.com

and

David L. Goldberg (*admitted pro hac vice*)  
575 Madison Avenue  
New York, New York 10022  
Phone: (212) 940-8800  
Fax: (212) 940-8776  
david.goldberg@kattenlaw.com  
*Attorneys for all UBS Entities*

## CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and I hereby certify that I have mailed the document to the following non-CM/ECF participants:

Mr. Robert Zimmerman  
329 Sand Piper Lane  
Hampstead, NC 28443

Respectfully submitted,

KATTEN MUCHIN ROSENMAN LLP

/s/ Rebecca K. Lindahl

Rebecca K. Lindahl (NC Bar No. 35378)  
550 South Tryon Street  
Suite 2900  
Charlotte, North Carolina 28202-4213  
Phone: (704) 344-3141  
Fax: (704) 444-2050  
rebecca.lindahl@kattenlaw.com

and

David L. Goldberg (*admitted pro hac vice*)  
575 Madison Avenue  
New York, New York 10022  
Phone: (212) 940-8800  
Fax: (212) 940-8776  
david.goldberg@kattenlaw.com  
*Attorneys for all UBS Entities*